

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

GEORGE KING,

Plaintiff,

v.

LONG BEACH MORTGAGE COMPANY,

Defendant

CIVIL ACTION
NO. 06-11931-RCL

WASHINGTON MUTUAL BANK,

Third-Party Plaintiff,)

V.

KATHLEEN C. BYRNE, ESQ.,

BUONICONTI & BUONICONTI LAW
OFFICES, INC.,

COMMONWEALTH LAND TITLE
INSURANCE COMPANY,

Third-Party Defendants)

ORDER

YOUNG, J.

September 23, 2009

On August 26, 2009, the Federal Deposit Insurance Corporation ("FDIC"), as Receiver of Washington Mutual Bank ("Washington Mutual"), filed a MOTION for summary judgment in relation to George King's ("King") claims under the Truth in Lending Act, 15 U.S.C.

§1601 et seq. ("TILA") and implementing Federal Reserve Board Regulation Z, 12 C.F.R. §226 or its Massachusetts counterparts, Massachusetts Consumer Credit Cost Disclosure Act ("MCCCD"), Mass. G.L. ch. 140D §§1-34, and 209 C.M.R. part 32. Insofar as the MOTION seeks a ruling that, as matter of law, King cannot recover against FDIC by virtue of the statutory language in TILA and MCCCD, the MOTION is GRANTED.

FDIC's MOTION also adopts and incorporates by reference a MOTION for summary judgment filed by Washington Mutual on September 15, 2008. Washington Mutual's MOTION, as incorporated by FDIC, is DENIED for mootness because even if TILA and MCCCD were violated, King cannot recover against FDIC.

On August 26, 2009, JPMorgan Chase Bank, National Association ("Chase") filed a MOTION for summary judgment to enforce the promissory note and mortgage deed executed by George King, acquired by Chase from FDIC pursuant to their Purchase and Assumption Agreement. Chase's MOTION for summary judgment is DENIED.

On September 15, 2008, Buoniconti & Buoniconti Law Offices, Inc. ("BBLO") filed a MOTION for summary judgment in relation to 1) Washington Mutual Bank's third-party claims against it and 2) Kathleen C. Byrne's indemnification and contribution claims against

it. BBLO's MOTION for summary judgment is DENIED for mootness because King cannot recover against FDIC.

SO ORDERED.

An opinion will follow this order at a later date.



WILLIAM G. YOUNG
DISTRICT JUDGE